

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Theresa A. Kovacs,

Case No. 3:22 CV 2151

Plaintiff,

ORDER DENYING WITHOUT
PREJUDICE MOTION FOR
TAXATION OF COSTS

-vs-

University of Toledo,

JUDGE JACK ZOUHARY

Defendant.

Parties recently stipulated to the voluntarily dismissal with prejudice of the remaining demotion claim in this case (Doc. 63). Plaintiff, Theresa Kovacs, subsequently appealed the grant of summary judgment on her termination claim and denial of her motion for judicial notice (Doc. 65). Defendant, University of Toledo, now moves for taxation of costs in the amount of \$3,466.05 -- reflecting deposition expenses; Kovacs opposes (Docs. 66, 67).

This Court met with counsel and encouraged resolution. *See* Non-Document Order 2/21/2025. Counsel informed this Court they jointly agreed to postpone ruling on the Motion until the current appeal concluded.

The Advisory Committee's Notes to the 1993 Amendment of Federal Civil Rule 54 support this course of action: "If an appeal on the merits of the case is taken, the court may rule on the claim for fees, may defer its ruling on the motion, or may *deny the motion without prejudice*."

While the Note addresses attorney fees, the guidance applies to costs as well. *See Mich. Bldg. & Const. Trades Council, AFL-CUI v. Snyder*, 2012 WL 1893516 (E.D. Mich. 2012); *Szeinbach v. Ohio State Univ.*, 2015 WL 12991137 (S.D. Ohio 2015). The factors this Court is required to

consider may be influenced by an appellate decision. Restraint now will provide this Court with better perspective for a possible future ruling.

The Motion (Doc. 66) is denied without prejudice. The Motion may be refiled within thirty (30) days after the conclusion of all appeals.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

February 26, 2025